

NOTICE OF INTENT

Department of Wildlife and Fisheries Office of Fisheries

Special Pompano Permit (LAC 76:VII.703)

The Department of Wildlife and Fisheries does hereby give notice of intent to promulgate a rule (LAC 76:VII.703) to amend the regulations governing the Pompano Permit Program. These regulations are required to effectuate the requirements of Act 1316 of the Regular Legislative Session. Authority for adoption of this rule is included in R.S. 56:406.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 7. Experimental Fisheries Program

§703. Pompano Permits

A. Harvest Regulations

1. Possession of a permit does not exempt the bearer from laws or regulations except for those which may be specifically exempted by the permit. Violation of a law pertaining to fishing, which carries a Class II penalty or greater shall constitute a violation of the permit.

2. Information gained by the department through the issuance of a permit is not privileged and will be disseminated to the public.

3. The bearer of a permit shall report monthly the catch and effort under the permit, even when catch or effort is zero. This report shall contain total catch, effort, and other parameters which may be required by the department. A report shall be received by the department no later than 10 days following the last day of each month.

4. When operating under the conditions of a permit, only pompano can be retained. All other species shall be immediately returned to waters from which they were caught. No other fish may be in the possession of the permittee and all fish on board the permitted vessel shall have the head and caudal fin (tail) intact.

5. The permittee shall have the permit in possession at all times when using permitted gear or harvesting permitted specie(s). Permit holder shall be on board permitted vessel when operating under conditions of permit. No permit is transferrable without written permission from the department secretary.

6. When permitted gear is on board permitted vessel or in possession of permittee, permittee and vessel are assumed to be operating under conditions of the permit. No gear other than permitted gear may be on board or in possession of permittee.

7. Any violation of the conditions of the permit shall result in the immediate suspension of the permit, and may result in the permanent revocation of the permit.

8. For permitting purposes, a pompano net shall be defined as a pompano strike net not exceeding 2,400 feet in length and not smaller than 2 $\frac{1}{4}$ inches bar or 5 inches stretched mesh, that is not anchored or secured to the water bottom and that is actively worked while being used. A pompano net shall not be constructed of monofilament.

9. The permitted boat used in the program shall have a distinguishing sign so that it may be identified. The sign shall have the operator's permit number printed on it in at least 8-inch high letters on a contrasting background so as to be visible from low flying aircraft or from any other vessel in the immediate vicinity.

10. Pompano strike nets may be used during the period from August 1 through October 31 of each year in waters in excess of 7 feet in depth and beyond 2,500 feet from land (excluding islands) within the Chandeleur and Breton Sound area described in R.S.56:406(A)(2).

11. No person shall fish under this permit during the hours after sunset and before sunrise. No person shall fish under this permit on Saturday or Sunday of any week during the open season, or on Labor Day.

12. Each pompano strike net shall have attached to it a tag issued by the department which states the name, address, and social security number of the owner of the net and the permit number of the permit issued to commercially take pompano. The department shall not issue any tag to a person who does not have a social security number.

13. The department reserves the right to observe the operations taking place under the permit at any time and permittee shall be required to provide food and lodging on the permitted vessel for an observer at the request of the department.

14. All permittees shall notify the department prior to leaving port to fish under permitted conditions and immediately upon returning from permitted trip. The department shall be notified by calling a designated phone number.

B. Qualification for Permit

1. All permits shall be applied for and/or granted from January 1 to April 30 of each year. All permits expire December 31 following the date of issuance. All permits shall be returned to the department by January 31 following expiration.

2. Permits shall not be issued to any applicant who within three years of the date of his application, has been convicted or pled guilty to a Class II or greater fishery violation, as defined in the laws pertaining to wildlife and fisheries.

3. Applicants who have been convicted of, or have pled guilty to, two or more Class II or greater fishery violations within five years of the application date shall not receive a permit.

4. All potential permittees shall request an appointment by contacting Marine Fisheries Division personnel at 1600 Canal Street, New Orleans. Proof of ownership of the proposed permitted vessel(s) and proof that all applicable licenses have been applied for shall be provided at the time of appointment. Proof of bona fide residency, as defined in R.S. 56:8(12), is also required at this time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:406A(3).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:119 (February 1986), amended LR 12:846 (December 1986), amended Department of Wildlife and Fisheries, Office of Fisheries, LR 16:322 (April 1990), LR 22:

Interested persons may submit comments relative to the proposed rule to: Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to 4:30 p.m., July 3, 1996.

James H. Jenkins, Jr.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Special Pompano Permit**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be on state or local governmental implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenues to any state or local governmental units from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Rule intended to provide regulations consistent with Act 1316 (1995 Regular Session) for the existing permit program that allows fishing for pompano in Chandeleur and Breton Sound area. The proposed regulation would reduce the season, which opens on May 1 under present rules, providing for an August 1 opening date. Existing rules allow harvest of black drum, and a recreational limit of shark, cobia, and Spanish mackerel. Proposed rule would discontinue this allowance. This change may reduce the benefits received from fishing to the permit holders by decreasing the number of species available for allowable harvest (change required by statute). The dimensions of this change cannot be estimated at this time, due to lack of data. Benefits are realized as the permit program will allow harvest in areas otherwise disallowed. It thereby contributes to the local and state economy by increasing sales and employment. Direct costs to the fishermen for permits and fees would not be affected by the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will have no estimable effect on competition and employment. While some effects may occur due to interactions with other fisheries under regulation, no data is presently available to estimate the dimensions of this change.

Fredrick J. Prejean
Undersecretary
9505#030

H. Gordon Monk
Chief Coordinator of the
Legislative Fiscal Office